

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**BLEAKLEY PLATT & SCHMIDT, LLP**

**One North Lexington Avenue**

**White Plains, New York 10601**

**(914) 949-2700**

**Attorneys of Record for Defendants:**

**Joseph DeGiuseppe, Jr. (JD 6376)**

**Michael P. Benenati (MPB 9669)**

-----X  
JOHN W. BUCKLEY,

Plaintiff,

**Case No. 07 Civ. 6775  
(SCR) (GAY)**

-against-

PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION, PHILIPS SEMICONDUCTOR  
MANUFACTURING, INC., NXP  
SEMICONDUCTORS AND PHILIPS  
ELECTRONICS NORTH AMERICA DEFINED  
BENEFIT PENSION PLAN,

**AFFIDAVIT IN SUPPORT  
OF DEFENDANTS'  
MOTION TO DISQUALIFY  
PLAINTIFF'S COUNSEL**

Defendants.

-----X

COMMONWEALTH OF MASSACHUSETTS )  
 ) ss:  
COUNTY OF ESSEX )

JOHN K. SKRYPAK, being duly sworn, deposes and says:

1. I am Vice President, Employment & Labor Law, of defendant Philips Electronics North America Corporation and as such, I am fully familiar with the facts and circumstances contained herein.

2. This Affidavit is submitted in support of the motion of Defendants Philips Electronics North America Corporation, NXP Semiconductors USA, Inc, and Philips Semiconductors Manufacturing, Inc. ("PSMI") (collectively, "Defendants") to disqualify

Plaintiff's recently retained counsel, Christopher A. D'Angelo, Esq., and his firm on the grounds that he "ought to be called as a witness" in the above-cited litigation pursuant to the mandate of Disciplinary Rule 5-102(A) of the Code of Professional Responsibility.

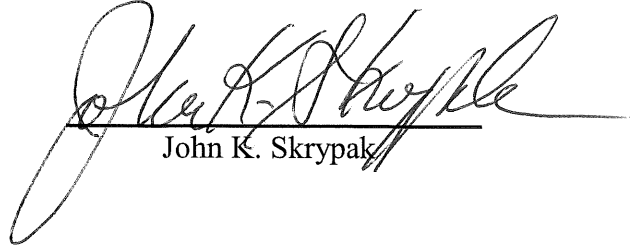
3. The validity of the Settlement and General Release Agreement, dated December 8, 2004 ("Release"), that Plaintiff, the former in-house Counsel of the former PMSI Fishkill, New York facility, signed on or about December 28, 2004, is an essential issue to the resolution of this litigation.

4. Mr. D'Angelo was directly involved on behalf of the Plaintiff with the undersigned in the review and attempted re-negotiation of the terms of the Release. Mr. D'Angelo, in a letter dated December 10, 2004, had initially contacted James N. Casey, who was then the General Counsel of Philips' Semiconductors business, with respect to his client's employment termination from PMSI and the then-proposed Release. Mr. Casey referred Mr. D'Angelo's December 10<sup>th</sup> letter to my attention for my handling of the matter.

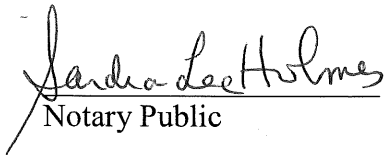
5. I had at least two lengthy telephone conversations with Mr. D'Angelo in December 2004 with respect to Plaintiff's employment termination and Mr. D'Angelo's attempts to re-negotiate certain provisions of the Release. Mr. D'Angelo did not question the validity of the proposed Release during any of our conversations and, in fact, I recall that the Plaintiff had confirmed in a letter that he was the only Philips attorney whose employment was being terminated.

6. In a letter, dated December 22, 2004, I even responded to Mr. D'Angelo's request in his December 10<sup>th</sup> letter for certain materials concerning the terms of the Release and his client's employment termination which I provided to him in my December 22<sup>nd</sup> letter. Annexed hereto as Exhibit A is a true and correct copy of my December 22<sup>nd</sup> letter.

7. I am prepared to testify in this action as to my conversations and negotiations with Mr. D'Angelo in December 2004 as to the terms and conditions of the Release in support of the Defendants' Affirmative Defense that the Release is a valid and binding release of any and all claims alleged in the Plaintiff's Amended Complaint.

  
John K. Skrypak

Sworn to before me this  
25 day of August, 2008

  
Notary Public



**Sandra Lee Holmes**  
**Notary Public**  
**Commonwealth of Massachusetts**  
**My Comm Exp 4-7-2011**